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TAGS: [PREL](#) [PGOV](#) [PHUM](#) [ES](#)
SUBJECT: NO MINING LINK IN CABANAS MURDERS

REF: 09 SAN SALVADOR 712; 09 SAN SALVADOR 790

CLASSIFIED BY: RBlau, CDA, DOS; REASON: 1.4(D)

11. (C) Summary: Embassy has looked into a controversial set of murders in Cabanas department, many of which are the subject of intense NGO scrutiny in the United States. On January 5, PolOff traveled to Cabanas to discuss the murders of local environmental activists with local government officials, police chiefs, a GOES human rights ombudsman, and anti-mining groups. The anti-mining activists, closely linked with the left-wing Farabundo Marti National Liberation Front (FMLN), told PolOff they believe that these murders are an organized campaign to silence environmentalists. The activists and NGOs that support them claim that the Pacific Rim mining company is behind the killings. These assertions ignore two related murders of a pro-mining couple in the same small town of Trinidad. While questions remain about the brutal murder in June of Marcelo Rivera, we believe the Trinidad murders are unrelated to Marcelo's killing and rather are linked to family and political rivalries in the town. End Summary.

The News Story: Anti-Mining Activists Killed

12. (SBU) On June 19, 2009, Marcelo Rivera, an anti-mining activist, was kidnapped and murdered in San Isidro, Cabanas (see reftels A and B). An autopsy revealed he had been held in captivity and tortured for several days prior to his death. On December 20, anti-mining activist Ramiro Rivera (no relation to Marcelo) was shot and killed in the rural town of Trinidad, Cabanas. Six days later, Dora Santos Rodriguez, wife of Santos Rodriguez, a close friend of Ramiro's and a witness to his murder, was also shot to death in Trinidad. Local media coverage focused on these victims' ties to the anti-mining movement in Cabanas, which since 2006 led an aggressive and ultimately successful campaign to block the establishment of a gold mine by the Pacific Rim mining company. On December 29, the FMLN published full page ads in local papers decrying the "campaign of terror" against environmentalists and implicitly linked local authorities and Pacific Rim to the crimes. Pacific Rim responded on January 6 with a statement condemning the "false accusations made by certain anti-mining groups" and denying involvement in the murders. Pacific Rim maintains a small workforce in the country, including administrative staff and security personnel to protect their landholdings in Cabanas.

The Left's View: A Vast Mining Conspiracy

13. (C) PolOff met with Francisco Pineda, president of the Cabanas Environmental Committee, Hector Berrillos, the Committee's

attorney, and representatives from the National Anti-Mining Working Group to discuss the murders. The group told PolOff that the June 2009 murder of Marcelo Rivera and the Trinidad murders in December are "part of a terror campaign by Pacific Rim to silence anti-mining activism." They allege that several other members of the anti-mining movement have received threatening letters and text messages since Rivera's killing.

14. (C) Pineda and company told PolOff that because the murderers used expensive M-16 rifles and "sophisticated tactics" in the Trinidad attacks, only well-financed, professional killers could have carried them out. (Note: Military-grade weapons are readily available on the local black market and routinely used in criminal activities. End note). According to the group, only Pacific Rim and its right-wing local government allies had the motive, resources and local knowledge necessary to plan such attacks. They also pointed to several investigative mistakes and inconsistencies in the authorities' working hypothesis in the Marcelo Rivera case (see para 5) as evidence that Pacific Rim may be financing a cover-up. These accusations against Pacific Rim contradict the view of the National Anti-Mining Working Group's own attorney, Luis Francisco Lopez, who told PolOff in a separate interview that he has "no evidence" linking Pacific Rim to the crimes. Still, Lopez and his clients agreed that authorities had been negligent in the Marcelo Rivera investigation and had deliberately ignored signs that "political and economic interests" were behind the Rivera and Trinidad murders.

The Authorities' View: Gang Killing and Family Feud

15. (C) Cabanas's National Civilian Police (PNC) Commander Oscar Bogran told PolOff that the PNC's and local prosecutor's joint investigation concluded that Marcelo Rivera was kidnapped and murdered by gang members because he refused to give them his backpack. The PNC arrested five suspected gang members for the crime in July. However, the GOES human rights ombudsman in Cabanas, Carlos Rodriguez, told PolOff in a separate conversation that this theory does not fit autopsy results showing Rivera was held in captivity for several days before his death. Rodriguez also said authorities mistakenly buried Rivera's body before the autopsy was complete, later exhuming it to finish. He believes that the authorities' weak working hypothesis in the Rivera murder and their mishandling of evidence created mistrust in the anti-mining movement and encouraged the "conspiracy theories" the movement has since promoted.

16. (C) Regarding the Trinidad murders, PNC Chief Bogran told PolOff that the anti-mining group's version of events ignores the murders of two other, pro-mining individuals in Trinidad. Together with the activists' murders, these were the only killings in Trinidad during 2009. The pro-mining victims, Horacio and Esperanza Menjivar, were a moderately wealthy couple with long-standing ties to the conservative National Republican Alliance (ARENA) party. According to Bogran, the Menjivars and Rivera had engaged in an increasingly tense political rivalry in recent years. Bogran said both had established competing local-development working groups in Trinidad and had several heated confrontations regarding land access, mining, and local politics. Horacio was shot and killed in April 2009. In August, Horacio's son, Oscar, was arrested for attempting to murder Ramiro Rivera. Esperanza was killed in October. Based on the families' rivalry and evidence that the Menjivars' son tried to kill Rivera, the PNC believes the Rivera and Rodriguez murders in December are revenge killings by someone close to the Menjivars. Bogran also said it comes as no surprise that the killers used M-16s, because many people in rural Cabanas own such high-caliber weapons. He said these arms are holdovers from the Salvadoran civil war, in which Cabanas was a major conflict zone.

COMMENT

17. (C) Embassy has, since June, urged a thorough investigation into the Marcelo Rivera case. We approached the Attorney General, PNC director, Human Rights Ombudsman and the Archbishop of San Salvador. Although we were satisfied with the sincerity of their commitment to investigate the case(s), such investigations are fraught with errors all too common to Salvadoran law enforcement. They reflect the systemic weaknesses of a criminal justice system in which fewer than five percent of homicides result in a conviction. Despite these irregularities, there is absolutely no compelling evidence, nor credible motive, linking Pacific Rim to these murders. For now, we believe it is prudent to wait until more details on the investigation emerge during the gang members' court hearings before passing judgment on the authorities' case. The case is scheduled to be heard in February.

18. (C) On the Trinidad murders in December, all evidence indicates these are revenge killings related to the previous murders of the Menjivar couple. The anti-mining movement's accusation that Pacific Rim and their political allies in ARENA are carrying out a "terror campaign" does not fit with the facts of these cases, which even the group's lawyer admits. Additionally, President Saca, near the end of his (ARENA) administration, cancelled the contract with Pacific Rim, leaving it to the Funes (FMLN) administration to settle the company's claim that it was treated unfairly. The debate about mining is, as a result, over. The lingering allegations do, however, reinforce the troubling political polarization infecting public debate over El Salvador's ongoing public security crisis. End comment.
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